

To: Members, Zoning Board of Appeals

From: Cindy Tyminski, AICP

Date: August 26, 2020

Re: Variance #ZBA 20-0305.

233 Hillspoint Road. Supplemental Staff Report #1.

I. PROPOSAL

The applicant appeared before the ZBA at their 7/14/2020 hearing and the application was opened, testimony received, and continued at the request of the applicant to 9/1/2020. Most recently, the applicant has provided revised plans (Site Development Plan and Architectural Plans both last revised 8/14/2020). The applicant has not changed the variances they initially requested with this application:

- §6-2.1.6 New construction of Non-Conforming Buildings and Structures.
- §6-3.1 Setbacks for Non-Conforming Lots
- §14-2 Setbacks in the Residence B District
- §14-6 Coverage in the Residence B District

The applicant has not requested a height variance as recommended by Staff.

II. REVISIONS

As noted in Attorney Pires letter dated August 18, 2020 the changes between the revised plans (8/14/2020) from the plans were reviewed at the 7/14/2020 meeting are as follows:

- The chimney has been removed and replaced with a small addition and open porch on top.
- The materials on the building have been modified:
 - The metal roof will now be constructed of wood shingles.
 - The clapboard siding has been replaced with whitewashed wood shingles.
 - The open break away walls will be replaced with a foundation with a stone veneer and flood vents.
- The pattern and location of the windows has changed, and the number of windows has been reduced on the water side elevation.
- Grills and muntins will be added to the windows to create the look of divided lites.
- The mechanicals have been moved out of the side yard and the mechanical are placed are the roof. A parapet is proposed on the roof to screen the relocated mechanicals.
- The openings in the foundation on the water side elevation has been reduced.
- The roofline has been extended past the flat roof deck.

III. ZONING DATA

ZONE: Res A	Variance needed?	Approved with ZBA #7629	Proposed Current application (8/14/2020)	Existing mid- construction conditions	Required/ Allowed
Lot Area:	NO	5,757 SF	5,757 SF	5,757 SF	6,000 SF
Steep slopes /wetlands		0 SF	0 SF	0 SF	
Net Lot Area		5,757 SF	5,757 SF	5,757 SF	
Building Coverage:	YES	27.7%	27.1%	25.5%	15%
Total Lot Coverage:	YES	44%	43.4%	25.5%	35%
Setbacks Front	NO	20'	20'	20'	20'
Side	NO	10.3'/11.7'	10.3'/11.7'	0.3'/7.8'	7.5'
Rear	YES	10' (circular stairs)	12.6' (linear stairs)	12.4' (side yard landing)	25'
Height					
To ridge *@@	n/a	33'9.5"	34'6.25"		n/a
To mid-point of main roof *@@	NO	30'1.625"	30'1.5"		30'3.5"
To top of elevator shaft@@	YES	38'9.5"	39'6.25'		30'3.5"
Height elevator from flat roof	YES	10'10.375"	11'3"		5'0
Parapet height	YES	none	3'6"	none	3'0

*Excluding Elevator shaft.

@@Measured from Avg. Existing Grade

IV. OUTSTANDING ISSUES

1. Height Exemption.

The applicant's new variance application attempts to exclude the height of the elevator shaft and parapets using the following definition of Building Height (§5-2):

"The provisions with respect to height shall apply to roof-top mechanical equipment but shall not apply to the following:

Roof parapets and turrets 3 feet or less in height;

Cupolas and domes not used for human habitation, clock towers, bell towers and roof ventilators; provided that:

- *The cumulative square foot area of these structures cannot exceed 5% of the footprint of the roof area of the building on which it is located, or 100 square feet, whichever is less; and*
- *The structure shall fit within a 10' x 10' square; and*
- *The structure shall not extend more than 5 feet above the ridge of the roof or top of flat roof on which it is located."*

On 2/7/2019, the Commission made an interpretation of their regulations and in a work session and confirmed that:

1. *A cupola may not contain a stair tower or elevator shaft as "human habitation" is not permitted, unless Building Height requirements are met.*
2. *A cupola may not serve as access to a roof as it is not intended for "Human Habitation," unless Building Height requirements are met.*
3. *Stair Towers and Elevator Shafts are permitted and shall adhere to Building Height Requirements.*

Assessment.

- The elevator shaft as depicted in the revised application does not meet the Commission's 2019 interpretation. Therefore, this elevator shaft must conform to the allowed height or the applicant must receive a height variance.
- The height (11'3") of the elevator shaft from the flat roof (deck) exceeds the current cupola allowance of 5'0.
- The height of the parapet (3'6") exceeds the allowed 3 feet. The parapet also exceeds the midpoint of the roof from which the height is measured. Parapets can be exempt only if they are 3'0 in height.
- The height of the rooftop equipment has not been shown.

2. Location of Mechanicals.

The applicant should explain to the Board why it is now necessary to relocate the mechanicals from under the dwelling. The dwelling lies in the AE 13 flood zone and the first-floor elevation (FFE) is 17 feet providing 4 feet of freeboard.

3. Extension of Roofline.

The applicant has described that they have now extended the roof. The applicant should explain where it was extended and the reason for the extension.

4. Fence.

The applicant should provide a detail for the fence that has been proposed to enclose the property.